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August 8, 2022

VIA ECF

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Re: *In re: LATAM Airlines Group S.A., Case No. 1:22-cv-5891-DLC*

Dear Judge Cote:

We write on behalf of appellees LATAM Airlines Group S.A. and its affiliated debtors and debtors-in-possession (collectively, the “Appellees” or “Debtors”) to respectfully request authorization to file in redacted form the Appendix to Appellee’s Brief in Opposition to the Appellant’s Opening Brief (the “Supplemental Appendix”).<sup>1</sup>

The Supplemental Appendix contains information from the Bankruptcy Court record that was filed under seal or accepted into the record and designated by the Bankruptcy Court as “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective Order, *In re: LATAM Airlines Group S.A., et al.*, No. 20-11254 (JLG) (Bankr. S.D.N.Y. July 6, 2020), ECF No. 444 (the “Protective Order”).

Per the Protective Order, the parties designated as “Confidential Material” any “nonpublic proprietary or confidential, technical, business, financial, [or] personal” information. Protective Order at 4. The Parties also designated as “Highly Confidential Material” any “Confidential Material” that is “of such a nature that a risk of competitive injury would be created” upon disclosure, “such as trade secrets, sensitive financial or business information, or

<sup>1</sup> The Appellees do not seek to redact any portion of the Brief in Opposition to the Appellant’s Opening Brief.

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material prepared by its industry advisors, financial advisors, accounting advisors.” *Id.* Appellees made every effort to exclude Confidential or Highly Confidential material from their Brief in Opposition to the Appellant’s Opening Brief; however, the Supplemental Appendix does contain information we believe is critical to Your Honor’s consideration of the issues at hand which has been designated as Confidential or Highly Confidential.

The Debtors’ interests in protecting information that reflects confidential and sensitive commercial terms of the business agreements at issue and information that was shared during the course of relevant negotiations, which could be competitively harmful if made public, outweighs the general presumption in favor of public disclosure. *See United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995); *see also GoSMiLE, Inc. v. Dr. Johnathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (permitting party to file materials under seal that contained proprietary information); *Tropical Sails Corp. v. Yext, Inc.*, No. 14 CIV. 7582, 2016 WL 141548, at \*4 (S.D.N.Y. Apr. 12, 2016) (sealing exhibits that would cause defendant “competitive injury” if disclosed); *Encyclopedia Brown Prods., Ltd. v. Home Box Office, Inc.*, 26 F. Supp. 2d 606, 614 (S.D.N.Y. 1998) (restricting access on the grounds that “confidential business information dating back even a decade or more may provide valuable insight into a company’s current business practices that a competitor would seek to exploit.”).

The parties’ interest in keeping this information private is especially strong here, given that the Supplemental Appendix contains nonpublic confidential information concerning the Debtors’ operations and certain business and financial transactions. *See Laura Laaman & Assocs., LLC v. Davis*, 2019 WL 3716512, at \*2–3 (D. Conn. Aug. 7, 2019) (finding that “disclosure of [similar] materials would cause . . . competitive harm that outweighs the presumption of open access”).

Pursuant to Your Honor’s Individual Practices, we electronically filed under seal a full, unredacted version of the Supplemental Appendix.

Thank you for your consideration.

Respectfully submitted,

/s/ David H. Herrington

David H. Herrington

*Attorney for LATAM Airlines Group  
S.A. and its affiliated debtors and  
debtors-in-possession*

**The request to file the  
redacted version of the  
Supplemental Appendix is  
granted.**

**So ordered.**



**August 9, 2022.**